

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 17th May, 2002.

1

BILL No. 47 of 2002

A Bill further to amend the Indian Post Office Act, 1898.

Be it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:---

1. (1) This Act may be called the Indian Post Office (Amendment) Act, 2002.

Short title and commencement

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.
- 2. In section 1 of the Indian Post Office Act, 1898 (hereinafter referred to as the principal Act), in sub-section (I), the word "Indian" shall be omitted.
- 3. Section 2 of the principal Act shall be re-numbered as sub-section (1) of that section and,—

Amendment of section 2.

Amendment of section 1.

- (a) in sub-section (1) as so re-numbered,—
 - (i) for clause (a), the following clauses shall be substituted, namely:—
 - '(a) the expression "Board" means the Postal Services Board referred to in section 3A of this Act;

- (aa) the expression "Director General" means the Director General of Posts and includes any other officer authorised to exercise the powers of the Director General;
- (aaa) the expression "electronic post" with reference to receiving and transmitting message by post includes any message sent, received, collected, transmitted or stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or any other similar device, through computer system or secure computer network;
- (ii) after clause (b), the following clause shall be inserted, namely:—
- '(ba) the expression "letter" means any written communication to and from any person to any specific address and includes letter-card, postcard and envelope but does not include newspapers and parcels;";
- (iii) in clause (d), for the words, "or Her Majesty's Government or the Government of any British possession of foreign country", the words "or the Government of any foreign country;" shall be substituted;
 - (iv) for clause (i), the following clause shall be substituted, namely:—
 - '(i) the expression "postal article" includes a letter, letter-card, postcard, newspaper, book packet, parcel and every article or thing transmissible by post, or by any person or body authorised to carry such articles under the Act; ;
 - (v) for clause (i), the following clause shall be substituted, namely:—
 - '(i) the expression "Post Master General" means a Principal Chief Post Master General, Chief Post Master General, Regional Post Master General or a Director of Postal Services and includes any other officer exercising the powers of the Principal Chief Post Master General, Chief Post Master General or Regional Post Master General;';
 - (vi) after clause (k), the following clauses shall be inserted, namely:—
 - '(l) the expression "prescribed" means prescribed by rules made under this Act;
 - (m) the expression "postage stamping machine" means a machine used to affix impressions to indicate prepayment of postage or other sums chargeable under this Act and includes a franking machine;";
- (b) after sub-section (1), as so re-numbered, the following sub-section shall be inserted, namely!---
 - "(2) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, for the time being in force in that area.".
- Substitution of certain expressions by certain other expressions.
- 4. Throughout the principal Act, unless otherwise expressly provided, for the words references of "Post Master General", wherever they occur, the words "Principal Chief Post Master General or Chief Post Master General or Regional Post Master General or Director of Postal Services or any other officer of the equivalent rank", shall be substituted and such other consequential amendments as the rules of grammar may require shall also be made.

Amendment of section 3.

5. In section 3 of the principal Act, in clause (c), after the words "according to the usual manner of delivering postal articles to the addressee,", the words "or the placing of a postal article in a letter deposit box kept at the house or office of the addressee or in a post box at the post office rented by the addressee in such manner as may be prescribed," shall be inserted.

6. After Chapter I of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter IA.

"CHAPTER I A

POSTAL SERVICES BOARD

3A. (1) The Central Government shall constitute a Postal Services Board with Chairperson and as many Members of the Board as the Government may appoint from time to time:

Constitution of Postal Services Board.

Provided that the existing Postal Services Board shall, until the constitution of the Board under this section, continue to function as if the Indian Post Office (Amendment) Act, 2002 had not been passed.

- (2) The Board shall, subject to the control of the Central Government, exercise such powers and perform such duties as may be entrusted to it by that Government under this Act or under any other law for the time being in force.
- (3) The Central Government may make rules for the purpose of regulating the transaction of business by the Board and every order made or act done in accordance with such rules shall be deemed to be the order or act, as the case may be, of the Board.".
- 7. For section 4 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section to section 4.

"4. Wherever within India posts or postal communications are established by the Central Government, the Central Government shall have the exclusive privilege of conveying by post, from one place to another, all letters except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching and delivering all letters, except in the following cases, that is to say:—

Exclusive privilege of conveying letters reserved to the

Government.

- (a) letters sent by a private friend in his way, journey or travel, to be delivered by him to the person to whom they are directed, without hire, reward or other profit or advantage for receiving, carrying or delivering them;
- (b) letters solely concerning the affairs of the sender and delivered by his employee or a messenger employed by him and the sender is not engaged in the business of procuring or delivery of letters;
- (c) documents issued by a court or other authority entitled to issue the same, or any return or answers to such documents sent, conveyed and delivered otherwise than by post;
- (d) letters solely concerning goods or property sent either by land, sea or air to be delivered with the goods or property to which the letters concern, without hire, reward or other profit or advantage for receiving, carrying or delivering them:

Provided that nothing in this section shall authorise any person to make a collection of letters excepted as aforesaid for the purpose of sending them otherwise than by post.".

8. After section 4 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 4A to 4F.

"4A. (1) The Central Government may, grant registration on such terms and conditions, as it thinks fit, to any person or body for carrying out any act or performing any service falling under section 4, in consideration of such fees as is set forth in the Second Schedule.

Power to grant registration.

- (2) Anything done under and in accordance with the registration granted under sub-section (1) shall not constitute an infringement of the privilege conferred on the Central Government.
- (3) The Central Government may impose such terms or conditions as it may deem fit requiring the person registered to perform such services as were performed by the Postal Department before the commencement of the Indian Post Office (Amendment) Act, 2002.

Application for registration

4B. Every person desirous of carrying on any act or performing any service falling under section 4, shall make an application to the Central Government in such form and containing such particulars as may be prescribed:

Provided that a person carrying out any act or performing any services at the commencement of the Indian Post Office (Amendment) Act, 2002 shall be allowed a period of three months from such commencement to make an application for registration.

Grant of registration.

- 4C. (1) On receipt of an application under section 4B, the Central Government, after making such inquiry as it considers necessary, shall, by order in writing, either grant the registration or refuse to grant it.
- (2) Where the registration is refused, the grounds for such refusal shall be communicated to the applicant in the prescribed manner.
- (3) The registration, unless sooner revoked, shall remain in force for such period as may be specified in the registration order, and may, on application made in this behalf within such time as may be prescribed before the date of its expiration, be renewed for such period as the Central Government may deem proper:

Provided that a registration may be renewed on an application made within such time as may be prescribed after the date of its expiration if the Central Government is satisfied that there was sufficient cause for not making the application earlier.

(4). Every registration granted under this Act shall be in the prescribed form and shall be subject to such conditions as may be prescribed.

Obligation of a registered person.

- 4D. (1) A registration granted under this Act shall not be transferable except with the written permission of the Central Government.
- (2) No person registered under the Act, shall accept for transmission or transmit or deliver any postal article, the transmission or delivery, as the case may be, of which through post is prohibited under this Act.
- (3) The provisions of sections 20, 23, 24, 24A, 25 and 26 of this Act shall apply in relation to postal articles handled by a registered person in the same manner as they apply in case of transmission or delivery of such postal articles by the postal authorities under this Act.

Suspension or revocation of registration.

4E. (1) Where any person to whom a registration has been granted under this Act, or any agent or servant of such person commits a breach of any of the conditions thereof, or any of the provisions of this Act or the rules made thereunder, the Central Government may, without prejudice to any other penalty which may have been incurred under this Act, for reasons to be recorded, suspend or revoke the registration by order in writing:

Provided that no such order shall be made until an opportunity is given to the holder of the registration order to show cause as to why the registration should not be suspended or revoked.

- (2) No person registered under the Act, shall be entitled to any form of compensation in case of any suspension or revocation of the registration under sub-section (1).
- 4F. Any person aggrieved by an order of the Central Government refusing to grant a registration or suspending or revoking a registration, may, within such period as may be prescribed, prefer an appeal to the Secretary to the Government of India in the Department of Posts, against such refusal or suspension or revocation.".

Appeals

9. For section 5 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 5

"5. Wherever posts or postal communications are established by the Central Government, all persons, other than a person registered under this Act are forbidden to collect, carry, tender or deliver letters, or to receive letters for the purpose of carrying or delivering them."

Persons not registered forbidden to convey letter

10. For section 6 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 6.

68 of 1986

"6. Notwithstanding anything contained in the Consumer Protection Act, 1986 or any other corresponding law for the time being in force, the Central Government shall not incur any contractual liability by reason of the loss, misdelivery or delay of, or damage to, any postal article in course of transmission by post, except in so far as such liability may, in express terms, be undertaken by the Central Government as provided in this Act or rules made thereunder, and no officer of the Post Office shall incur any liability by reason of any such loss, misdelivery, delay or damage, unless he has caused the same fraudulently or by his wilful act or default."

Exemption from liability for loss, misdelivery, delay or damage

11. In section 7 of the principal Act, in sub-section (3), for the words "book, pattern and sample packets", the words "book packets" shall be substituted.

Amendment of section 7

12. In section 8 of the principal Act,-

Amendment of section 8

- (i) for clause (a), the following clause shall be substituted, namely:—
- "(a) require the pre-payment of postage on inland postal articles or any class of inland postal articles, the grant of any rebate on such postage if it is prepaid by means of postage stamping machines or if such postal articles are presorted and posted in such manner as may be specified, and prescribe the manner in which pre-payment shall be made;";
- (ii) in clause (d), for the words 'charged for the "express delivery" of postal articles', the words "charged for such service in relation to the delivery of any postal article as may be specified," shall be substituted;
 - (iii) the Explanation to clause (d) shall be omitted.
- 13. In section 9 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

Amendment of section 9.

- "(c) that it does not contain any business reply card except business reply card for its own subscription.".
- 14. For section 10 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 10.

Power to declare rates of foreign postage. "10. Where arrangements are in force with any foreign country for the transmission by post of postal articles between India and such country, the Central Government may, in conformity with the provisions of such arrangements, declare what postage rates and other sums shall be charged in respect of such postal articles and may make rules as to the scale of weight, size, terms and conditions subject to which the rates so declared shall be charged."

Amendment of section 15. -

15. In section 15 of the principal Act, for the words "or to the Post Office of the United Kingdom or of any British possession or foreign country,", the words "or to the post office of any foreign country," shall be substituted.

Amendment of section 16.

16. In section 16 of the principal Act, in sub-section (3), after clause (d), the following clause shall be inserted, namely:—

"(da) regulate the use of postage stamping machine.".

Amendment of section 17.

- 17. In section 17 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—
 - "(3) The Central Government may make rules to provide for the use, maintenance and inspection of postage franking machine and the manner of dealing with such machine under the law.".

Amendment of section 21.

- 18. In section 21 of the principal Act.—
 - (a) in sub-section (2),—
 - (i) in clause (d), the word "and" occurring at the end shall be omitted;
 - (ii) after clause (e), the following clauses shall be inserted, namely:—
 - "(f) provide for number of postal articles to be posted at the post office in the pre-sorted manner subject to such conditions as may be specified therein; and
 - (g) notify any other class of services for collection, conveyance and delivery of postal articles as may be specified.";
- (b) after sub-section (3), the following sub-section and Explanation shall be inserted, namely:—
 - '(4) The Central Government may, if it considers necessary or expedient so to do, having regard to the exigencies of the postal administration, frame rules to provide for letter deposit boxes by the addressees.

Explanation.—For the purposes of this section, "speed post", "business post" and "express parcel post" notified under clause (b) of sub-section (2) of section 21 shall be deemed to be the services specified under clause (g) of sub-section (2) of this section.'.

Amendment of section 22.

19. In section 22 of the principal Act, in sub-section (1), for the words "book, pattern or sample packets", the words "book packets" shall be substituted.

Amendment of section 23.

20. In section 23 of the principal Act, in sub-section (2), for the words "book, pattern or sample packet", the words "book packets" shall be substituted.

Amendment of section 24A.

21. In section 24A of the principal Act, for the words and figures "the Sea Customs Act, 1878", the words and figures "the Customs Act, 1962," shall be substituted.

8 of 1878. 52 of 1962. **22.** In section 27 of the principal Act, for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Amendment of section 27.

'Explanation.—For the purposes of this section, the expression "postage stamp" includes any postage stamp for denoting any rate or duty of postage in India or foreign country and the impression of any stamping machine provided or authorised for the like purpose by or under the authority of the Government of India or of such country.'

23. In section 27C of the principal Act,-

Amendment of section 27C.

- (a) for the words, figures and letters "sections 99D and 99F of the Code of Criminal Procedure, 1898", the words and figures "section 96 of the Code of Criminal Procedure, 1973" shall be substituted;
- (b) for the word, figures and letter "section 99C", the word and figures "section 96" shall be substituted.
- 24. In section 29 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—-

Amendment of section 29

- "(4) The Central Government may prescribe the amount to be paid as compensation in case of loss of an article or the contents thereof.".
- 25. In section 36 of the principal Act, in sub-section (1),—

Amendment of section 36.

- (a) for the words "with the United Kingdom or with any British possession, or foreign country", the words "with any foreign country" shall be substituted;
- (b) for the words "and the United Kingdom or such possession or country,", the words "and such country" shall be substituted.
- 26. In section 37 of the principal Act,-

Amendment of section 37.

- (i) in sub-section (2), clause (b) shall be omitted;
- (ii) in sub-section (3), the words "either forwarded, free of further charge, to the post office at which it was posted for return to the sender, or" shall be omitted.
- 27. In Chapter IX of the principal Act, for the existing heading "Money Orders", the following heading shall be substituted, namely:—

Substitution of new heading for the existing heading of Chapter IX.

"MONEY TRANSFER SYSTEM".

28. For section 43 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 43.

"43. (1) The Central Government may provide for the remittance of money through the post office by means of money order, postal order, telegraphic money order, satellite money order (hereinafter referred to as the money order), or any other instrument (hereinafter referred to as money transfer instrument) and may make rules as to such money orders or money transfer instrument.

Power to maintain money transfer system and to make rules as to remittances thereby.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe,—
 - (a) the limit of amount for which money order or any such instrument may be issued;
 - (b) the period during which money order or such other instrument shall remain current;
 - (c) the rates of fee to be charged for money order or any other instrument;

5 of 1898. 2 of 1974.

- (d) the receipt that shall be granted to the remitter or by the payee;
- (e) the nature of the instrument and the manner of transmission, payment of money order or other instrument and the time at which payment of money order or any other instrument may be made;
 - (f) the manner of repayment of money order or any other instrument;
- (g) the period within which a claim may be made in respect of money order or any other instrument;
- (h) the arrangement for issue and payment of money order or any other instrument with other countries; and
 - (i) any other matter incidental or ancillary thereto.".

Amendment of section 44.

- 29. In section 44 of the principal Act,—
- (i) in sub-section (1), for the words "by means of a money order may require that the amount of the order", the words "by means of a money order or any other instrument referred to in section 43 may require that the amount of the remittance" shall be substituted;
 - (ii) for sub-section (2), the following sub-section shall be substituted, namely:—
 - "(2) If neither the payee nor the remitter of a money order or any other instrument can be found and if within the period of six months from the date of the issue of the remittance, no claim is made by such payee or remitter, the amount of such remittance shall not be claimable from the Government".

"45. The Central Government may authorise the issue, in such form as may be

suitable, of any type of money transfer instruments including postal order and may

make rules as to the rates of commission to be charged thereon and the manner in

which, and the conditions subject to which, they may be issued, paid and cancelled.".

Substitution of new section for section 45. -

30. For section 45 of the principal Act, the following section shall be substituted, namely:—

Power to provide for the issue of money transfer instruments.

31. In section 46 of the principal Act,—

Amendment of section 46.

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—
- "(1) Where arrangements made with any foreign country are in force for the issue and payment of money orders or any other instrument referred to in section 43 between India and such country through the Post Office, the Central Government may make rules to give effect to such arrangement.";
- (ii) in sub-section (2), in clause (a), for the word "order", the words "order or instrument" shall be substituted.

Amendment of section 47.

- 32. In section 47 of the principal Act,—
 - (i) for the marginal heading, the following shall be substituted, namely:—

"Recovery of money order or any other instrument.";

- (ii) in clause (a), for the words "money order", the words "money order or any other instrument specified in section 43" shall be substituted;
- (iii) in clause (b), for the words "money order", the word "remittance" shall be substituted.

Amendment of section 48.

- 33. In section 48 of the principal Act,-
- (i) for the words "money order", at all the places, the words "money order or any other instrument" shall be substituted;

(ii) in clause (d), for the word "order", the word "instrument" shall be substituted.

34. After Chapter IX of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter after the existing Chapter IX

"CHAPTER IXA

New Postal Services

48A. (1) The Central Government may provide for transmission of postal articles through any Postal Services, other than those for which provision has been made under this Act, as it deems fit.

Power of Central Government to provide for new Postal Services.

(2) The Central Government may make rules for the purpose of sub-section (I) to regulate the procedure, scope and responsibilities for the proper, smooth and effective running of these services.

Explanation. -- For the purposes of this section, --

- (i) the expression "Postal Services" includes Electronic Post or such other services as the Central Government may deem fit;
- (ii) the expression "Postal Monetary Services" includes Postal Life Insurance and money transfer instruments.".
- 35. In Chapter X of the principal Act, for the sub-heading "Offences by Officers of the Post Office", the following sub-heading shall be substituted, namely:—

Substitution of sub-heading of Chapter X.

"Offences by Officers of the Post Office or Authorised Person".

36. In section 49 of the principal Act,—

Amendment of section 49.

- (i) after the words "Whoever, being employed", the words "or authorised by the Central Government," shall be inserted;
- (ii) in clause (a), for the words "employed, or", the words "employed, or as the case may be, authorised, or" shall be substituted;
- (iii) for the words "fifty rupces", the words "one thousand rupees" shall be substituted.
- 37. In section 50 of the principal Act, for the words "fifty rupees", the words "one thousand rupees" shall be substituted.

Amendment of section 50.

- 38. In section 51 of the principal Act, for the words "one hundred rupees", the words "two thousand rupees" shall be substituted.
- Amendment of section 51.
- 39. In section 52 of the principal Act, after the words "Whoever, being an officer", the words "or agent authorised by the Central Government' shall be inserted.
- Amendment of section 52.

 Amendment

of section 53.

- 40. In section 53 of the principal Act, after the words "Whoever, being an officer", the words "or agent authorised by the Central Government" shall be inserted.
- 41. In section 54 of the principal Act, after the words "Whoever, being an officer", the words "or agent authorised by the Central Government" shall be inserted.
- Amendment of section 54.
- 42. In section 55 of the principal Act, for the words "Whoever, being an officer" of the Post Office, the words "Whoever being an officer of the Post Office or an agent authorised by the Central Government to carry letters," shall be substituted.
- Amendment of section 55.

43. In section 58 of the principal Act,-

Amendment of section 58.

(a) in sub-section (1), for the words "with fine which may extend to fifty rupees for every such letter", the words "with imprisonment which may extend to two years

or with fine which may extend to five thousand rupces or with both" shall be substituted:

- (b) for sub-section (2), the following sub-section shall be substituted, namely:—
- "(2) Whoever being authorised to collect, convey and deliver letters under sections 4A, 4C and 4D acts in contravention of the conditions laid down under said sections, shall be punishable with imprisonment which may extend to two years or with fine of twenty-five thousand rupees or both."
- 44. In section 59 of the principal Act,-

Amendment of section 59.

- (a) in sub-section (1), for the words "fifty rupees", the words "with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both," shall be substituted;
 - (b) sub-section (2) shall be omitted.
- 45. In section 60 of the principal Act, in clauses (a) and (b), for the words "two hundred rupees", the words "five thousand rupees" shall be substituted.

Amendment of section 60.

46. In section 63 of the principal Act, for the words "fifty rupees", the words "one thousand rupees" shall be substituted.

Amendment of section 63.

47. In section 64 of the principal Act, for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

Amendment of section 64.

48. In section 67 of the principal Act,-

Amendment of section 67.

- (a) for the words "two hundred rupees", the words "five thousand rupees" shall be substituted;
- (b) in the proviso, for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted.
- 49. In section 69 of the principal Act,— .

5 of 1898. 2 of 1974.

Amendment of section 69.

- (a) for the word "letter" occurring at both the places, the words "postal article" shall be substituted;
- (b) for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.
- 50. After section 71 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 71A.

Offences by companies.

'71A. (1) Where any offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
 - (b) "director", in relation to a firm, means a partner in the firm.".
- 51. Section 73 of the principal Act shall be omitted.
- 52. In section 74 of the principal Act,—
- (a) in sub-section (2), for the words "fifty rupees", the words "two thousand rupees" shall be substituted;

Omission of section 73.

Amendment of section 74

- (b) after sub-section (3), the following sub-section shall be inscrted, namely:—
- "(4) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."
- 53. For section 75 of the principal Act, the following section shall be substituted, namely:—
 - "75. (1) The Central Government may, by notification in the Official Gazette, authorise, either absolutely or subject to conditions, the Postal Services Board, or the Director General to exercise any of the powers conferred upon the Central Government by this Act, other than power to make rules.

Substitution of new section for section 75.

- (2) The Central Government may, on the recommendation of the Director General and by notification in the Official Gazette, authorise one or more members of the Postal Services Board to exercise the powers of the Director General.".
- Delegation of powers to Director General or to the Postal Services Board.
- 54. After the FIRST SCHEDULE to the principal Act, the following SCHEDULE shall be inserted, namely:—

Insertion of new Schedule.

"THE SECOND SCHEDULE

[See section 4A (1)]

RAJES OF FEES FOR GRANT OR RENEWAL OF REGISTRATION

- 1. For grant of registration— A fee of fifty thousand rupees per annum.
- 2. For renewal of registration—A fee of fifty thousand rupees per annum.".

STATEMENT OF OBJECTS AND REASONS

A comprehensive amendment of the Indian Post Office Act, 1898 (IPO Act) envisaged by introducing the Indian Post Office (Amendment) Bill, 1986, did not materialise as the Bill passed by both Houses of Parliament was returned by the President to the Rajya Sabha for re-consideration under the proviso to article 111 of the Constitution. The Bill introduced in 1986 has been recently withdrawn so as to pave the way for introduction of the Indian Post Office (Amendment) Bill, 2002.

- 2. The impact of revolutionary developments in information technology and in the field of communication have transformed the perception and expectations of the consumers of postal services and products. Consequently, in the new environment only such services and products which meet the requirement of the consumers would be relevant. In the context of changes in the field of communications, the amendment of the IPO Act, 1898 has become urgent to bring about qualitative improvement in the services with more consumer-friendly features which are sought to be achieved within the basic legal framework provided by the IPO Act.
 - 3. The Post Office is presently required to fulfil the following objectives:—
 - (a) enable the common man to communicate at an affordable price;
 - (b) achieve financial self-sufficiency, reducing its dependence on budgetary support;
 - (c) extend the benefits of electronic media communication to larger segments of customers in the country.
- 4. Some of the other important amendments proposed in the Indian Post Office (Amendment) Bill, 2002 are:—
 - (a) preservation of exclusive privilege of the Central Government to convey all letters with certain exceptions;
 - (b) empowering the Central Government to grant rebate for pre-payment of postage on postal articles by means of stamping machine;
 - (c) restricting the transmission of Business Reply Cards along with a registered newspaper only for the purpose of bona fide subscription of that newspaper;
 - (d) vesting the Central Government with necessary powers to monitor the usage, maintenance and inspection of postage franking machine as also to deal with usage of such machine under the law;
 - (e) provide statutory basis for the Postal Services Board.
 - (f) empowering the Department of Posts to introducee -enabled services bridging the digital divide in the country;
 - (g) empowering the Central Government to introduce customized new services and products and generate adequate resources while meeting its social obligations;
 - (h) making the existing penal provisions in the IPO Act more stringent;

- (i) providing for registration and accountability of private entrepreneurs commonly known as "couriers" to safeguard the consumers' interests;
- (f) it is also proposed to make a provision for the laying of rules made under the Act before Parliament.
- 5. The Bill seeks to achieve the above objectives.

New Deliu; The 9th May, 2002. PRAMOD MAHAJAN.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 1-3/92-PO, dated the 3rd May, 2002 from Shri Pramod Mahajan, Minister of Communications and Information Technology to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed amendments to the Indian Post Office Act, 1898, recommends to the House the introduction of the Indian Post Office (Amendment) Bill, 2002 under article 117(1) of the Constitution.

Notes on clauses

- Clause 2.—This clause seeks to omit the word "Indian" from the expression "the Indian Post Office Act, 1898" to bring it in conformity with recent legislative practice.
- Clause 3.—This clause seeks to define certain new expressions and modify the others in view of the changed circumstances:—
 - (i) "Board" means the Postal Services Board referred to in section 3A of the Act [clause 3(a)(i)(a)];
 - (ii) the expression "Director General" means the Director General of Posts and includes any other officer authorised to exercise the powers of the Director General in the light of the changed set up in the Department [clause 3(a)(i) (aa)];
 - (iii) the expression "electronic post" is defined with reference to receiving and transmitting message through computer system or secure computer network in order to bring the Act in tune with the technological developments [clause 3(a)(i)(aaa)];
 - (iv) the expression "letter" means any written communication to and from any person to any specific address and includes letter card, post card and envelope but does not include newspapers and parcels [clause 3(a)(ii)];
 - (v) clauses 3(a)(iii),14,15, 22, 25 and 31(i) of the Bill seek to omit the references to "United Kingdom", "British Possessions", "Her Majesty" etc. from the concerned provisions of the Act as they are no longer relevant;
 - (vi) the expression "postal article" includes a letter, letter card, post card, newspaper, book packet, parcel and every article or thing transmissible by post. It also seeks to omit reference to "pattern" and "sample packets" which have now become obsolete [clause 3(a)(iv)];
 - (vii) clause 3(a)(v) of the Bill amplifies the scope of the expression "Post Master General" in the light of the changed set up in the Department;
 - (viii) the expression "prescribed" means prescribed by rules made under the Act [clause 3(a)(vi)];
 - (ix) clause 3(a)(viii) of the Bill defines "postage stamping machine" which includes a franking machine;
 - (x) clause 3(b) of the Bill seeks to insert a new sub-section (2) in section 2 of the Act for construction of any reference in the Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, for the time being in force in that area.
- Clause 4.—This clause seeks to amplify the expression "Post Master General" wherever they occur, so as to include Principal Chief Post Master General or Chief Post Master General or Regional Post Master General or Director of Postal Services or any other officer of the equivalent rank.
- Clause 5.—This clause seeks to empower the Central Government to specify the manner of placing of postal article in a letter deposit box kept at the house or office of the addressee or in a post box at the post office rented by the addressee.
- Clause 6.—This clause seeks to provide for a new Chapter IA in the Act to give legal status to the existing Postal Services Board. The Board shall be vested with such powers and perform such duties as may be entrusted to it by the Central Government.

- Clause 7.—This clause seeks to confer on the Central Government the exclusive privilege of conveying all letters, except items like personal letters, letters solely concerning the affairs of the sender, documents issued by a court of justice or other authorities entitled to issue the same and letters concerning goods or property sent by land, sea or air without any consideration.
- Clause 8.—This clause seeks to insert new sub-sections 4A, 4B, 4C, 4D, 4E and 4F in the Act to enable the Central Government to frame rules for grant of registration and operation of couriers on such terms and conditions and in consideration of such fees as may be prescribed by the Central Government. In brief, it seeks to bring couriers under the purview of provisions of the Act as are applicable to transmission of articles by post.
- Clause 9.—This clause seeks to substitute section 5 of the Act to forbid conveying of letters by persons not registered under the Act.
- Clause 10.—This clause seeks to substitute section 6 of the Act to clarify the provisions of the Act relating to contractual liability, unless caused fraudulently or by wilful act or default, vis-à-vis the scope of the same under the Consumer Protection Act, 1986.
- Clause 11.—It amends section 7 of the Act to omit the reference to the words "pattern and sample packets" as they have become obsolete.
- Clause 12.—It seeks to amend section 8 of the Act to provide for grant of rebate on postal articles when postage is pre-paid by means of postage stamping machine or if such postal articles are posted pre-sorted and posted in the prescribed manner.
- Clause 13.—It amends section 9 of the Act to restrict the transmission of business reply card for bonafide subscription of that publication only.
- Clause 14.—It seeks to substitute section 10 of the Act whereunder the Central Government is being empowered to declare the postage rates to be charged in respect of transmission of postal articles between India and a foreign country and also to make rules as to the scale of weight, size, terms and conditions subject to which the rates so declared shall be charged.
- Clause 15.—It amends section 15 of the Act to omit certain references which are no longer relevant.
- Clauses 16 and 17.—These clauses seek to empower the Central Government to regulate and monitor the use of postage stamping machines.
- Clause 18.—It seeks to enlarge the scope of section 21 of the Act so as to notify any other class of service of postal articles, posting of such articles and manner of their transmission by post. This clause also seeks to empower the Central Government to frame rules indicating the manner of posting and delivery of postal articles in bulk and delivery of postal articles in multi-storeyed buildings, etc.
- Clauses 19 and 20.—These clauses seek to amend sections 22 and 23 of the Act to omit reference to the words "pattern and sample packets" as they have become obsolete.
- Clause 21.—This clause seeks to substitute the reference of the repealed Sea Customs Act, 1878 by the Customs Act, 1962.
 - Clause 22.—This clause seeks to omit certain expressions which are no longer relevant.
- Clause 23.—This clause seeks to update section 27 of the Act in view of the Code of Criminal Procedure, 1973.
- Clause 24.—This clause seeks to amend section 29 of the Act so as to add a new subsection (4) in section 29 empowering the Central Government to prescribe the amount to be paid as compensation in case of loss of an article or the contents thereof.

Clause 25.—This clause seeks to omit certain references which are no longer relevant.

Clause 26.—It seeks to amend section 37 of the Act relating to procedure for disposal of undelivered postal articles.

Clauses 27, 28 and 29.—These clauses seek to enlarge the scope of system of money transfer through money order or any other instrument that may be prescribed by the Central Government. Clause 28 of the Bill seeks to substitute section 43 of the Act to empower the Central Government to make rules for the remittance of money through the post office by means of money order etc. or any other money transfer instrument. Sub-section (2) of the new section 43 empowers the Central Government to specify the limit of amount for which money order or any such money transfer instrument may be issued, the period during which they shall remain current, the rates of fee to be charged on them, the time at which payment of money order or any other money transfer instrument may be made, the period within which a claim shall be made in respect of those instruments and any other incidental or ancillary matters. Clause 29 seeks to amend section 44 of the Act which relates to the period of preservation of money orders.

Clause 30.—This clause proposes to substitute section 45 of the Act to provide for the issue of money transfer instrument including postal order and empower the Central Government to specify the form, or type of such instrument and make rules as to the rates of commission to be charged thereon and the conditions subject to which they may be issued, paid or cancelled.

Clause 31.—This clause seeks to omit reference to "United Kingdom" or "British Possession" which are now redundant in section 46, and empowers the Central Government to make rules to give effect to arrangements for transfer of money with other countries by means of money order or any other money transfer instrument.

Clauses 32 and 33.—These clauses seek to make consequential changes in sections 47 and 48 of the Act in view of the amendment proposed in section 43 of the Act.

Clause 34.—This clause seeks to insert new Chapter IXA relating to new Postal Services and empower the Central Government to make rules regarding transmission of postal articles through any Postal Services other than those for which provision has been made under the Act and make rules to regulate the procedure, scope and responsibilities for the effective running of new services.

Clauses 35 and 36. —These clauses seek to enlarge the scope of the section 49 of the Act and revise the penalties to be imposed in case of any violation of that section.

Clauses 37 and 38.— These clauses seek to enhance the existing penalties contained in sections 50 and 51 of the Act.

Clauses 39, 40, 41 and 42. These clauses seek to modify sections 52, 53, 54 and 55 of the Act by making an "agent authorised by the Central Government" also liable under those sections.

Clause 43.—This clause proposes to enhance the existing penalties under section 58 of the Act.

Clauses 44, 45, 46, 47 and 48.— These clauses seek to enhance the existing penalties for contravention of various provisions of the Act as these cannot be kept low and need to be made more stringent.

Clause 49.—Section 69 of the Act deals with the penalty for unlawfully diverting letters. This clause seeks to replace the word 'letter' by the words 'postal article' so as to make the section more comprehensive.

- Clause 50.—A new section 71A is proposed to be inserted in the Act in order to subject a company registered as courier to various penal provisions in the Act for their acts of omissions and commissions.
- Clause 51.—This clause seeks to omit section 73 of the Act which empowers the Central Government to make rules relating to management of zamindari and other district posts, as this system is not in vogue now.
- Clause 52.—This clause seeks to enhance the limits of penalty in sub-section (2) of section 74 of the Act. It further seeks to provide that every rule framed under the Act shall be laid before Parliament in conformity with the uniform legislative practice.
- Clause 53.—This clause seeks to substitute section 75 of the Act relating to delegation of powers. Under the new section 75 the Central Government may authorize either absolutely or subject to conditions the Postal Services Board or the Director General to exercise any of the powers conferred upon the Central Government by the Act other than the power to make rules.
- Clause 54.—This clause seeks to insert a new Schedule after the First Schedule to the Act to provide for the rates for grant or renewal of registration.

FINANCIAL MEMORANDUM

Clause 6 of the Bill authorizes the Central Government to constitute a Postal Services Board and until the constitution of a new Board, the existing Postal Services Board shall continue to function as the Board. The constitution of the Board will not involve any recurring or non-recurring expenditure as the Chairperson and Members shall be the serving officials of the Central Government.

Clause 8 of the Bill proposes to insert a new section 4A(1) to provide that Central Government may grant registration on such terms and conditions, as it thinks fit, to any person or body for carrying out any act or performing any service falling under section 4 and in consideration of such fees as is set forth in the Second Schedule proposed in clause 54 of the Bill; i.e, for grant of registration a fee of Rs.50,000/- per annum and for its renewal, a similar fee is to be paid to the Central Government. It is not possible to estimate the revenue that will accrue to the Central Government by way of imposition and collection of fees since it depends upon the number of registrations and renewals granted from time to time.

Clause 28 of the Bill enables the Central Government to introduce new money transfer instruments and prescribe the rates of fee to be charged for such instruments. It is not practicable to estimate the revenue from such fees right now as it would be decided by the Central Government after taking into account the various relevant factors relating to such new money transfer instruments, as and when introduced.

No expenditure, whether recurring or non-recurring, is envisaged if the provisions of the Bill are enacted and brought into operation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to make the definition of the word 'delivery' more comprehensive by bringing the delivery of the postal articles in letter deposit box kept at the house or office of the addressee or in a post box at the post office rented by the addressee in its ambit and empowers the Central Government to specify the manner relating thereto.

Clause 6 of the Bill seeks to insert a new chapter 1A relating to Postal Services Board and section 3A. Sub-section (3) of that section seeks to empower the Central Government to make rules for the purpose of regulating the transaction of business by the Postal Services Board.

Clause 8 of the Bill seeks to insert six new sections, i.e., section 4A to section 4F. Sub-section (3) of section 4A empowers the Central Government to impose such terms and conditions, as it may deem fit, requiring the persons registered to perform such services as were performed by the Postal Department before the commencement of the Indian Post Office (Amendment) Bill, 2002. Section 4B seeks to empower, the Central Government to specify such form and details of particulars that may be required for making an application for carrying on any act or performing any service falling under section 4. Section 4C makes provision for grant of registration and sub-section (2) thereof requires that the grounds for refusal of registration shall be communicated to the applicant in such manner as may be prescribed, Sub-section (3) of section 4C empowers the Central Government to specify the period of registration and the period within which such registration may be renewed. Subsection (4) of the said section makes an enabling provision under which the form and conditions for registration may be prescribed. Section 4F empowers the Central Government to specify the period within which a person aggrieved may prefer an appeal against refusal, suspension or revocation of registration made for carrying out or performing any service falling under section 4 of the Act.

Clause 12 of the Bill seeks to amend clause (a) of section 8 of the Act to empower the Central Government to make rules thereunder and require the prepayment of postage on inland postal articles or any class of inland postal articles, grant of rebate on such postage if it is prepaid by means of postage stamping machines and the manner in which such prepayment shall be made.

Clause 14 of the Bill proposes to substitute section 10 of the Act whereunder the Central Government is being empowered to declare the postage rates to be charged in respect of transmission of postal articles between India and a foreign country and also make rules as to the scale of weight, size, terms and conditions subject to which the rates so declared shall be charged.

Clause 16 of the Bill proposes to amend sub-section (3) of section 16 of the Act by inscrtion of a new clause (da) to empower the Central Government to make rules so as to regulate the use of postage stamping machine.

Clause 17 of the Bill seeks to amend section 17 of the Act to empower the Central Government to make rules for the purpose of maintenance and inspection of postage franking machine and the manner of dealing with such machine.

Clause 18 of the Bill proposes to amend the section 21 of the Act to empower the Central Government to make rules to provide for number of postal articles to be posted in the pre-sorted manner and the conditions thereto, as also to notify any other class of services for collection, conveyance and delivery of postal articles. Sub clause (b) of clause 18 seeks to insert new sub-section (4) in section 21 of the Act and empowers the Central Government to frame rules to provide for letter deposit boxes by the addressees keeping in view the exigencies of the postal administration.

Clause 24 of the Bill proposes to add a new sub-section (4) in section 29 of the Act with a view to empowering the Central Government to prescribe the amount to be paid as compensation in case of loss of an article or the contents thereof.

Clause 28 of the Bill seeks to substitute section 43 of the Act to empower the Central Government to make rules for the remittance of money through the post office by means of money order, etc., or any other money transfer instrument. Sub-section (2) of the new section 43 empowers the Central Government to specify the limit of amount for which money order or any such money transfer instrument may be issued, the period during which they shall remain current, the rates of fee to be charged on them, the time at which payment of money order or any other money transfer instrument may be made, the period within which a claim shall be made in respect of those instruments and any other incidental or ancillary matters.

Clause 30 of the Bill proposes to substitute section 45 of the Act to provide for the issue of money transfer instrument including postal order and empower the Central Government to specify the form or type of such instrument and make rules as to the rates of commission to be charged thereon and the conditions subject to which they may be issued, paid or cancelled.

Clause 31 of the Bill secks to amend section 46 of the Act and empowers the Central Government to make rules to give effect to arrangements for transfer of money with other countries by means of money orders or any other money transfer instrument.

Clause 34 of the Bill seeks to insert new chapter IXA relating to new postal services and empowering the Central Government to make rules regarding transmission of postal articles through any Postal Services other than those for which provision has been made under this Act and make rules to regulate the procedure, scope and responsibilities for the effective running of new services.

Clause 53 of the Bill seeks to substitute section 75 of the Act relating to delegation of powers. Under this new section the Central Government may authorize either absolutely or subject to conditions, the Postal Services Board, or the Director General to exercise any of the powers conferred upon the Central Government by the Act other than the power to make rules.

The matters in respect of which powers have been delegated under the provisions mentioned in the preceding paragraphs pertain to matters of administrative detail or procedure. Further, in cases where the exercise of any such power involves a discretion, necessary guidelines which have to be taken into account have been spelt out. The delegation of legislative power is, therefore, of a normal character.

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BILL No. 48 of 2002

A Bill further to amend the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:—

1. This Act may be called the Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002.

2. In the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, after section 14, the following section shall be inserted, namely:—

Insertion of new section 14A.

Short title.

"14A. Subject to the provisions of this Act, a period of five years shall be added to the service of a Judge for the purposes of his pension, who qualified for appointment as such judge under sub-clause (b) of clause (3) of article 124 of the Constitution and has elected to receive the pension payable to him, under Part I of the Schedule, on his retirement.".

Benefit of added years of service.

41 of 1958.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 (41 of 1958) was enacted to regulate the salaries and certain conditions of service of the Judges of the Supreme Court. An advocate having practice of at least ten years in a High Court or in two or more such Courts in succession can directly be appointed as a Judge of the Supreme Court under the provisions of sub-clause (b) of clause (3) of article 124 of the Constitution. As per the convention, no such advocate below the age of 55 years is normally considered for appointment as a Judge of the Supreme Court. The pension to a Part I Judge (who is elevated from the Bar) is payable in accordance with the provisions of section 13 read with Part I of the Schedule to the said Act, and accordingly, the maximum pension of Rs. 1,80,000 per annum is payable to a Judge of the Supreme Court after he renders a minimum service of 13 years (at the rate of Rs. 14,630 for each completed year of service on his retirement). It is felt that Part I Judges can never have enough completed years of service entitling them to earn full pension. In the case of Judges not completing 7 years of minimum service, a fixed amount of Rs. 64,030 per annum is payable as pension.

- 2. A former Chief Justice of India, while forwarding a representation from one such Judge, suggested that provision be made for grant of pension to such Judges by adding about 7 to 10 years period to the tenure of service rendered in the Supreme Court.
- 3. To remove anomaly between Part I and Part III Judges of the Supreme Court as regards their entitlement to pension and to give incentive to the eminent advocates who are meritorious and talented to come forward to be appointed as Supreme Court Judges, it is proposed to amend the said Act to provide five years added benefit of service to a Judge of the Supreme Court for the purpose of his pension.
 - 4. The Bill seeks to achieve the above object.

New Delhi;	ARUN JAITLEY
The 22nd April, 2002.	

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. L-11016/4/2000-Jus dated the 3rd May. 2002 from Shri Arun Jaitley, Minister of Law, Justice and Company Affairs to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Supreme Court Judges (Salaries and Conditions of Service) Amendment Bill, 2002, recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and (3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 2 of the Bill sceks to insert a new section 14A, after section 14 of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 so as to provide benefit of adding a period of 5 years to the service for pension of a Part I Judge of the Supreme Court appointed from the Bar under article 124(3)(b) of the Constitution. The proposal does not involve any substantial financial implication as the number of Part I Judges of the Supreme Court is very few. The expenditure in respect of the Judges of the Supreme Court is to be borne by the Central Government and is charged on the Consolidated Fund of India. The approximate recurring expenditure of the Central Government would not be more than rupees 3 lakhs per annum.

2. The Bill does not involve any other expenditure of either recurring or non-recurring nature.

G.C.MALHOTRA, Secretary-General.